IN RE: PETITION FOR ZONING VARIANCE * N/S Northwind Road, 320 ft. W of Ferguson Road ZONING COMMISSIONER 3506-3508 Northwind Road 11th Election District OF BALTIMORE COUNTY 5th Councilmanic District * Case Nos. 93-193-A Aubrey W. Freeman, et ux

Petitioners

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for those adjoining properties located at 3506 and 3508 Northwind Road in the Carney section of Baltimore County. The Petition is filed by the property owners, Aubrey W. Freeman and Ruth N. Freeman. The Petitioners request relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a lot width of 90 ft., in lieu of the required 100 ft., and a side yard setback of 10 ft., in lieu of the required 15 ft., for an existing dwelling at 3506 Northwind Road in a D.R.2 zone. Also requested is relief from Section 1B02.3.C.1 as it relates to 3508 Northwind Road which is zoned D.R.3.5. For this property, permission is requested to permit a lot width of 60 ft. in lieu of the required 70 ft., a side yard setback of 10 ft. and a sum of same of 20 ft., in lieu of the required 15 ft. and 25 ft., respectively. This relief is for a proposed dwelling to be constructed at 3508 Northwind Road. Further, the Petitioners request a finding as to compatibility for an undersized lot, pursuant to Section 304.2 of the B.C.Z.R.

Appearing at the public hearing were the Petitioners, Aubrey W. and Ruth N. Freeman. Also appearing were the Contract Purchasers of 3508 Northwind Road, Milton and Barbara Schaum. There were no Protestants

Testimony and evidence presented was that Mr. and Mrs. Freeman have owned the subject properties for many years. In approximately 1950, they purchased two lots on which is located the existing house at 3506 Northwind Road. This community was laid out on 50 ft. lots, thus the 3506 Northwind Road parcel is 100 ft. in width and 215 ft. deep. Shortly thereafter, in approximately 1951, Mr. and Mrs. Freeman purchased an additional lot which is now known as 3508 Northwind Road. That lot is unimproved and remains vacant except for use as a side yard by the property owners.

The Petitioners now propose to subdivide their holdings to create a second buildable lot, as shown on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance. This would result in a lot approximately 90 ft. wide and 215 ft. deep which is the site of the dwelling known as 3506 Northwind Road. The second lot, which will be 60 ft. wide and 215 ft. deep, will be sold to the Schaums for construction of a proposed dwelling thereon. A schematic rendering of the proposed dwelling was also submitted into evidence.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

> 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

> whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances were granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the uncontradicted testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship will result if the variances are denied. Clearly there exists special circumstances peculiar to the subject properties which justify the variances. Further, the requirements from which the Petitioners seek relief will unduly restrict use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not cause any injury to the public health, safety and general welfare. Further, granting of the variances will be in strict harmony with the spirit and intent of the B.C.Z.R.

Therefore, variances as to the required lot width, side yard setbacks and sum of the side yard setbacks shall be granted.

The Petitioners also seek a determination for compatibility of an undersized lot, pursuant to Section 304.2 of the B.C.Z.R. This section provides that undersized lots may be developed if the property owner qualifies for relief under that section pursuant to the requirements set forth in Section 304.1. In this case, the Petitioners do not so qualify. In that requests for side yard variances are sought, the Petitioners obviously cannot satisfy "other requirements of the height and area regulations", as required by Section 304.1.B. The application of this section was comprehensively discussed in case No. 92-477-SPH. For the reasons set forth therein, the Petitioners are not eligible for relief pursuant to Section

-3-

304. However, by this Order, the variances requested shall be granted so that development may proceed in accordance with that shown on Petitioners' Exhibit No. 1.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 29 day of January, 1993 that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a lot width of 90 ft. in lieu of the required 100 ft. and a gide yard setback of 10 ft. in lieu of the required 15 ft. for an existing dwelling at 3506 Northwind Road in a D.R.2 zone, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 1802.3.C.1, as it relates to 3508 Northwind Road in a D.R.3.5 zone, to permit a lot width of 60 ft., in lieu of the required 70 ft., a side yard setback of 10 ft. and a sum of same of 20 ft., in lieu of the required 15 ft. and 25 ft., respectively, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

-4-

IT IS FURTHER ORDERED that the subject properties are not eligible for relief pursuant to Section 304 of the B.C.Z.R. due to the Petitioners' inability to comply with area requirements (i.e. side yard setbacks) for undersized lots.

LES/mmn

Zoning Commissioner for Baltimore County Baltimore County Government Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

January 28, 1993

Mr. and Mrs. Aubrey W. Freeman 3506 Northwind Road Baltimore, Maryland 21234

> RE: Case No. 03 193-A Petition for Variance 3506-3508 Northwind Road

Dear Mr. and Mrs. Freeman:

Enclosed please find the decision rendered in the above captioned case. The Petition for Variance has been granted, with restrictions, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Zoning Commissioner

LES:mmn

cc: Mr. and Mrs. Milton Schaum 2925 Harview Avenue, 21234 to the Zoning Commissioner of Baltimore County for the property located at 3506 Northwind Rd. DR 2
3506 Northwind Rd. DR 3.5

which is presently zoned as above This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) See attached

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) Existing dwellin has been on lot since 1950 and each parcel has been separately described on deeds. A zone line dividing property involves different sethack requirements. PROPOSED LOT LINE ADJUSTMENT AND VARIANCES WOULD CREATE A BUILDING LOT MORE SUITABLE FOR A SINGLE FAMILY HOME IN THIS AREA.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

			ESTIMATED LENGTH OF HEARING unevellable for Hearing the following dates Ment Two Months
ity	State	Zipcode	Address Phone No
ddress	Phone No.		Name
Signature			City State Zipcode Name, Address and phone number of legal owner, contract purchaser or represents to be contacted
Type or Print Name)			Address Phone No 21234
Attorney for Petitioner:			3506 Northwind Rod 256-6849
City	State	Zipcode	Synth D. Truman
Address			Ruth Di Freeman Signature
Signature			
(Type or Print Name)			Aubtey W Freeman (Type or Print Name) Quebrag W Zacema
Contract Purchaser/Lessee:			I/We do solemnly declare and affirm, under the penulties of perjury, that I/we are legal owner(s) of the property which is the subject of this Petition. Legal Owner(s):

1B02.3.C.1

To allow a lot width of 90'in lieu of the required 100', and sideyard setback of 10' in lieu of the required 15' for existing dwelling in DR2

To allow a lot width of 60' in lieu of the required 70' and side setback of 10' and a sum of 20' in lieu of the required 15' for a sum of 25' for proposed dwelling, and determine compatibility for an undersized lot per section 304.2.

Three copies of the zoning description of your property are required. Type or print this description, standard 8-1/2" x 11" sheets are acceptable. Most property descriptions, as stated on a deed, do not have adequate information. The zoning description must be in the following form:

ZONING DESCRIPTION FOR 3506 & 3508 NCIZTHUIND 20

Beginning at a point on the	(north, south, ea	st or west)		name of
NORTHWIND RD street on which property fr	which is			
street on which property fr	ronts)	(number of	feet of right-o	f-way widt
wide at the distance of	320'	WEST	ot	the
centerline of the nearest in	proved intersection	ng street	FERGUSON	RD
			(name of st	reet)
which is	right-of-way width	wide. *Be	ing Lot #	- ′
Block, Section #	in the subdivision	n of		
			(name of subd	ivision)
			, containing	
s recorded in Baltimore Cou	nty Plat Book #	_, Folio #		
as recorded in Baltimore Courter. . Also (square feet or acres)	nty Plat Book #	_, Folio #		

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber _____, Folio ____ " and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Typical metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

N 14° 46/E 2/5:88 N 75° 14'W 150'

111 West Chesapeake Avenue

CASE NUMBER: 93-193-A (Item 202) M/S Northerind Road, 320' W Ferguson Road

11th Election District - 5th Councilmanic

Petitioner(s): Aubrey W. Freeman and Ruth W. Freeman

HEARING: FRIDAY, JANUARY 15, 1993 at 2:00 p.m. in Rm. 118, Old Courthouse.

3506-08 Northwind Road

Towson, MD 21204

S 140 46' W. 214.12'

AS RECORDED IN DEED

Baltimore County Government

Office of Zoning Administration

and Development Management

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore

County will hold a public hearing on the property identified herein in

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Variance to allow a lot width of 90 ft. in lieu of the required 100 ft., and sideyard setback of 10 ft.

in lieu of the required 15 ft. for existing dwelling in DR2 zone; to allow a lot width of 60 ft. in lieu

of the required 70 ft. and side setback of 10 ft. and a sum of 20 ft. in lieu of the required 15 ft. for

a sum of 25 ft. for proposed deselling, and determine competibility for an undersized lot.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Haryland 21204

(410) 887-3353

Aubyoy W. + Ruth N. Framen

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was

published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of weeks, the first publication appearing on 12 31 19

THE JEFFERSONIAN.

(410) 887-3353

Zoning Administration & Dovelopment Management
111 West Chesapeake Avenue
To: son, Maryland 21204 19 september 19 se

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Zoning Administration & Development Management

0 s said, **Maryland 21204**

Cashler Validation

Baltimore County Government Office of Zoning Administration

and Development Management

111 West Chesapeake Avenue Towson, MD 21204

Zoning Plans Advisory Committee

Petitioner: Aubrey W. Freeman, et ux

(410) 887-3353

Your petition has been received and accepted for filing this 9th day of December 1992.

Petitioner's Attorney:

ublic Services) 01/04/93 Development Review Committee Response Form Authorized signature Disses A. Kounty _____ Date 1/4/98 Project Name Zoning Issue Meeting Date Robert E. Ryan and Marianne H. Gillette 12-21-92 DED DEPRM RP STP Baker Land Company DED DEPRM RP STP Kenneth E. and Carol C. Lentz DED DEPRM RP STP Aubrey N. and Ruth N. Freeman Charles . Wagandt 203 12-28-92 Comment DED DEPRM RP STP TE / Walt. Dempsey Lee and Carolyn Shaw DED DPERM RP STP TE Thomas Booth, Louis and Elmer Morsberger DED DEPRM RP STP TE Michael J. and Bonnie Conner DED DEPRM RP STP TE Wyaness Associates Limited Partnership DED DEPRM RP STP TE James G. and Pamela J. Miller DED DEPRM RP STP TE Sarkis G. and Susan T. Aghazarian DED DEPRM RP STP TE

Baltimore County Government

Office of Zoning Administration

and Development Management

Please be advised that \$ 74.85 is due for advertising and posting of the above captioned

THIS FEE MUST BE PAID AND THE ZONTING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return sail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or

111 West Chesapeake Avenue

DATE: 1.6.93

Aubrey and Ruth Freeman

Baltimore, Maryland 21234

3506-08 Northwind Road

Dear Petitioner(s):

property and bearing date.

CASE NUMBER: 93-193-A (Item 202)

N/S Northwind Road, 320' W Ferguson Road

11th Election District - 5th Councilmanic

Petitioner(s): Aubrey W. Freeman and Ruth M. Freeman

your Order, immediate attention to this matter is suggested.

HEARING: FRIDAY, JAMUARY 15, 1993 at 2:00 p.m. in Rm. 118, Old Courthouse.

3506 Northwind Road

Towson, MD 21204

Baltimore County Government

and Development Management

December 31, 1992

RE: Case No. 93-193-A, Item No. 202

Petition for Variance

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans

submitted with the above referenced petition. The attached comments

from each reviewing agency are not intended to indicate the

appropriateness of the zoning action requested, but to assure that all

parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are

made aware of plans or problems with regard to the proposed

Enclosed are all comments submitted thus far from the members of ZAC

that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed

in the hearing file. This petition was accepted for filing on the

date of the enclosed filing certificate and a hearing scheduled

The following comments are related only to the filing of future

zoning petitions and are aimed at expediting the petition filing

1) The Director of Zoning Administration and Development

Management has instituted a system whereby seasoned zoning

attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions

filing requirements can file their petitions with this office

without the necessity of a preliminary review by Zoning personnel.

improvements that may have a bearing on this case.

Petitioner: Aubrey W. Freeman, et ux

Office of Zoning Administration

111 West Chesapeake Avenue

Mr. and Mrs. Aubrey W. Freeman

3506 Northwind Road

accordingly.

process with this office.

Baltimore, MD 21234

Dear Mr. and Mrs. Freeman:

Towson, MD 21204

A Pickersgill, Inc.

(410) 887-3353

Comment

Comment

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director Zoning Administration and Development Management

DATE: December 22, 1992

Pat Keller, Deputy Director Office of Planning and Zoning

Petitions from Zoning Advisory Committee (December 21, 1992)

The Office of Planning and Zoning has no comments on the following petitions:

Shirley and Ronda Swab, Item No. 190 Robert and Marianne Gillette, Item No. 199 Baker Land Company, Item No. 200 Kenneth and Carol Lenty, Item No. 201 Aubrey and Ruth Freeman, Item No. 202 James and Josephine Hartman, Item No. 206

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning at 887-3211.

Division Chief:

PK/FM: rdn

Rec'd 1/4/93

190.200/ZAC1

Naryland Department of Transportation State Highway Administration

O. James Lighthizer Hal Kassoff Administrator |

Ms. Julie Winiarski County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Item No.: 4 202 (656) AUBREY N. FREEMAN RUTH N. FRERMAN!

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Engineering Access Permits

My telephone number is 410-333-1350

Teletypewriter for impaired Hearing or Speech 383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toil Free 707 North Calvert St., Baltimore, Maryland 21203-0717

CARD-NO

PRIMARY DESC... L LT NS NORTH WIND RD

IMPRV ADDRESS 03506 NORTH WIND RD

02031A

PAGE 2 OF 2

F/M DATE

11/29/90

Rec'd 1/4/92

700 East Joppa Road Suite 901 Towson, MD 21286-5500

93-193-H 1-15-93

DECEMBER 28, 1992

Baltimore County Government Fire Department

(410) 887-4500

Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204

RE: Property Owner: AUBREY N. FREEMAN AND RUTH N. FREEMAN

Location: #3506-08 NORTHWIND ROAD

Item No.: 202(LJG) Zoning Agenda: DECEMBER 21, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

Noted and Fire Prevention Bureau Planning Group Special Inspection Division

JP/KEK

Rec'd 1/5/93

BALTIMORE MD 21234 NEAREST INTER.... 0470 NW OF FERGUSON AVE STRUCTURE.... X41-150--A STATE CODE.. LOT... TRANSFER DATE..... / / MAP..... 071 FRONT, 100,01 BLOCK BACK.. 100.00 TRANSFER NO...... BLOCK.... 06 SECTION... SIDE1: 214:12 FURCHASE FRICE ******** PLAT.... LIBER.. 4266 SIDE2. 215.37 GROUND RENT... ******** BOOK FOLIO... 0359 FORMER OWNER. FOLIO.... CONST YR SQ FT LOT.... *FULL VALUE* IMPRV PREF-LAND CURTILAGE EX LAND EX IMPRV CURRENT 25,040 PROPOSED 44,100 ***BASIS*** YRMO TAX LAND TAX IMPRV EX LAND EX IMPRV EX ADVAL 92/93 ASSESSMT 9111 45,120 45,120 91/92 ASSESSMT 9010 41,970 90/91 ASSESSMT 8911 39,650 OFFICE OF ASSESSMENTS INQUIRY (1) DIST GROUF CLASS occ. AREA CARD-NO DEL F/M DATE 11-06-058591 11 3 PH2 02027X 11/29/90 FREEMAN AUBREY W PRIMARY DESC... L LT NS NORTH WIND RD FREEMAN RUTH N SUPPLEMENTAL DESC.. 03506 NORTH WIND RD IMPRV ADDRESS BALTIMORE MD 21234 NEAREST INTER.... 0320 NW OF FERGUSON AVE STRUCTURE.... STATE CODE.. LOT... MAP..... 071 FRONT. 50.00 TRANSFER DATE..... / / BLOCK.... TRANSFER NO..... BACK.. 50.00 SECTION... PARCEL. 00024 SIDE1. 215.88 FURCHASE PRICE ******** PLAT.... LIBER., 4266 SIDE2. 215.37 GROUND RENT.... ******* BOOK FOLIO... 0359 FORMER OWNER. FOLIO.... CONST YR SQ FT LOT.... 10,750 (M) *FULL VALUE* EX LAND EX IMPRV IMPRV PREF-LAND CURTILAGE BLIND CURRENT PROPOSED ****BASIS*** YRMO TAX LAND TAX IMPRV EX LAND EX IMPRV EX ADVAL 92/93 ASSESSMT 9111 1,070 1,070 91/92 ASSESSMT 9010 1,060 90/91 ASSESSMT 8911

OFFICE OF ASSESSMENTS INQUIRY (1)

SUPPLEMENTAL DESC. .

GROUP

11 3 FH2

AUBREY W

RUTH N

NORTH WIND RD

FREEMAN

FREEMAN

03506

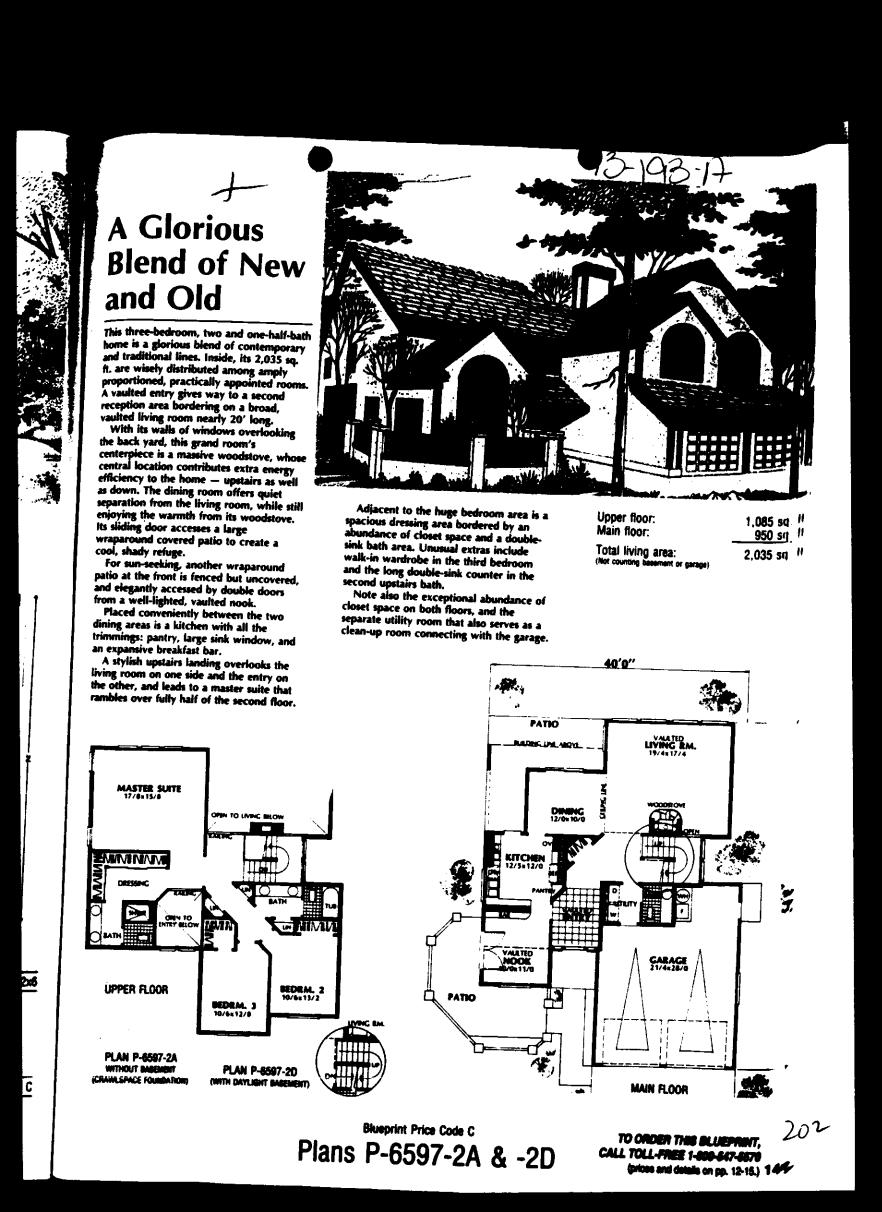
DPW/Traffic Engineering Development Review Committee Response Form 12/28/92 Date 12/29/17 Project Name File Number Waiver Number Zoning Issue Meeting Date Nancy E. and David M. Paige COUNT Robert E. Ryan and Marianne H. Gillette 12-21-92 / Baker Land Company DED DEPRM RP STP TE Kenneth E. and Carol C. Lent: DED DEPRM RP STP TE / Aubrey N. and Ruth N. Freeman DED DEPRM RP STP TE COUNT 4 Stonegate at Patapsco (Azreal Property) TE (Waiting for developer to submit plans first) COUNT 1 FINAL TOTALS COUNT 6 *** END OF REPORT ***

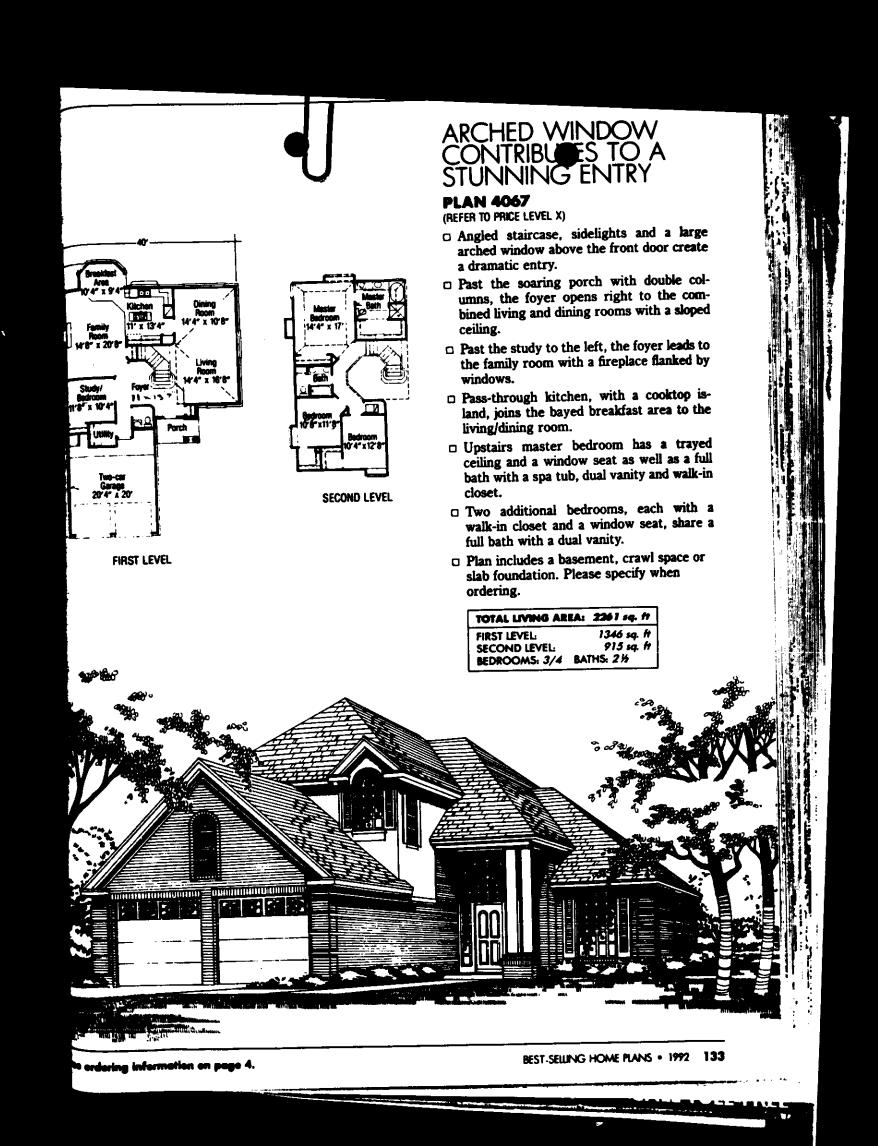
*** END OF REPORT *** Rec'd 1/4/93

COUNT 5

FINAL TOTALS COUNT 17

DEPRM RP STP





Department of Environmental Protection & Resource Management
Development Review Committee Despite Form
Authorized signature

PED DEMAN RA 214 LE

1 Satur Limited Books

Zoning Issue

Project Name

DED DEPRM RP STP TE

DED DEPRM RP STP TF

DED DEPRM RP STP TE

Baker Land Company

Kenneth E. and Carol C. Lentz

Aubrey N. and Ruth N. Freeman

Preakness Silver Hill, Inc.

Satyr Limited Partnership

Federal Realty Investment Trust

Shirley A. and Ronda J. Swab

Frank and Joan Eck

File Number

COUNT 4

12/28/92

Date 12:29.98

Meeting Date

₹12·21-92

in process

NOComments

100 Comments

written comments

NO Comments

PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET							
Kuth Freeman	ADDRESS 3506 Northwend Kd 2123x						
aulsey Freeman Melton Schaum	K U W						
Barbara Schaum	2925 Narview AUE 21234						
	-						

